

Assembly Bill No. 1490

CHAPTER 789

An act to amend Section 261.5 of the Penal Code, relating to crimes.

[Approved by Governor September 22, 1996. Filed
with Secretary of State September 23, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1490, Caldera. Unlawful sexual intercourse: civil penalties.

Existing law prohibits and prescribes punishments for unlawful sexual intercourse with a minor.

This bill would also make liable for civil penalties an adult who engages in an act of unlawful sexual intercourse with a minor in violation of these provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Teenage Pregnancy Prevention Act of 1995.

SEC. 2. The Legislature finds and declares all of the following:

(a) Illicit sexual activity between adult males and teenage or younger girls in this state is resulting in the nation's highest teenage pregnancy and birth rate. In California, females under the age of 18 years gave birth to 28,065 children in 1994. Sixty-six percent of the fathers of those children were adult males, and 10,768 of those fathers were between the ages of 20 and 29 years. Many of these adult males are repeat offenders who have fathered more than one child by different teenage mothers, yet accept little or no responsibility for their actions or for the support of their children. The teenage birth rate and the number of teen pregnancies and births attributed to adult male fathers have risen significantly and consistently since 1982. In the United States, one in every 16 girls between the ages of 15 and 19 years has a child. In California, one in every eight children is born to a teenage mother.

(b) California spent \$3.08 billion in 1985 to assist families headed by teenagers. If those births had been delayed until the mothers were at least 20 years old, the state would have saved \$1.23 billion in welfare and health care expenses.

(c) Society can no longer ignore the disregard of statutory rape laws and the consequent increase in teenage pregnancies. The laws prohibiting adults from having sexual relations with persons under the age of 18 years must be more vigorously enforced. Adult males who prey upon minor girls must be held accountable for their conduct and accept responsibility for their actions.

(d) It is the intent of the Legislature that district attorneys vigorously investigate and prosecute adults guilty of unlawful sexual intercourse with a minor, particularly where that unlawful sexual intercourse results in pregnancy. It is also the intent of the Legislature to create civil liability for adults who engage in unlawful sexual intercourse with a minor to help fund future efforts to prevent teenage pregnancy and deter adult sexual predators from victimizing minor girls.

SEC. 3. Section 261.5 of the Penal Code is amended to read:

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

(d) Any person over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall

be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

